

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC WARBELTON, and JOSE SILVA,

8:09CV132

Plaintiffs,

v.

ROBERT HOUSTON, et al.,

Defendants.

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Jose Silva's Motion to Appoint Counsel. (Filing No. [47](#).) The court dismissed this matter with prejudice and entered Judgment against Plaintiff on July 20, 2010.¹ (Filing Nos. [44](#) and [45](#).) Therefore, Plaintiff's Motion to Appoint Counsel is denied as moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Appoint Counsel (filing no. [47](#)) is denied as moot.

DATED this 26th day of July, 2010.

BY THE COURT:

s/ Joseph F. Bataillon

Chief United States District Judge

¹The court notes that Plaintiff filed his Motion to Appoint Counsel and an untimely Response to Defendants' Motion for Summary Judgment on July 19, 2010. (Filing Nos. [46](#) and [47](#).) These documents were not entered until after the court entered Judgment in this matter. (See Docket Sheet.) Nevertheless, the court has carefully reviewed Plaintiff's untimely Response. The court concludes that this Response does not change the court's Memorandum and Order and Judgment dismissing this matter.

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